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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,407	09/19/2003	Courtney Jones	200150.1	3192
7590 Courtney Jones 826 Cal Cove Drive Ft. Myers, FL 33919		01/10/2008	EXAMINER LASTRA, DANIEL	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/664,407

Applicant(s)

JONES, COURTNEY

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-14 have been examined. Application 10/664407 (METHOD FOR OPERATING AN INTERNET BROADCASTING STATION) has a filing date 09/19/2003.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "said audio programming" in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Paine (US 2003/0055816).

Claim 13, Paine teaches:

A method to generate revenue for an Internet broadcasting station, said method comprising:

setting up an account of monetary funds for each of a plurality of advertisers acting as sponsors of said Internet broadcasting station where each of said advertisers

has a web site on the Internet (see paragraph 60), having said plurality of advertisers place monetary bids for key search words that a search engine associated with said Internet broadcasting, station would use to find said web sites of said advertisers (see paragraph 52);

assigning a rank value to each of said plurality of advertisers for each key search word bid on by said plurality of advertisers based on said bids (see paragraph 75);

paying a provider of said Internet broadcasting station a bid amount from said accounts of said advertisers every time a user of said Internet broadcasting station goes to a web site of said advertisers using said search engine with at least one of said key search words (see paragraph 40).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paine (US 2003/0055816) in view of Eyal (US 7,281,034).

Claim 1, Paine teaches:

A method to generate revenue for an Internet broadcasting station, said method comprising:

providing programming content via said Internet broadcasting station over the Internet (see figure 7);

providing an Internet search engine as part of said Internet broadcasting station such that a user of said Internet broadcasting station may search for web sites on said Internet (see paragraph 35); and

paying a provider of said Internet broadcasting station a predetermined monetary amount from a sponsor of said Internet broadcasting station every time a user of said Internet broadcasting station goes to a web site of said sponsor using said Internet search engine (see paragraph 60). Paine fails to teach that that a user of said Internet broadcasting station may search for websites on said Internet without an audio programming content being interrupted. However, Eyal teaches an Internet broadcasting station that allow users to receive media playback from a media resource in one medium, such as audio, while providing images, audio, text or media not associated with the media resource. Thus users can listen to songs from media resources signaled to a user terminal, while viewing banner ads on the website where the media resource is located (see Eyal col 21, lines 35-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Paine's Internet providers would allow users to search for websites on the Internet without interrupting a programming content, as Eyal teaches that it is old and well known in the art to allow users to receive media playback from a media resource in one medium, such as audio, while simultaneously providing to said users images, audio, text or media not associated with the media resource (*i.e.* website content).

Claim 2, Eyal teaches:

wherein the Internet broadcasting station is an Internet radio station (see Eyal col 16, lines 5-10).

Claim 3, Eyal teaches:

wherein the Internet broadcasting station is an Internet television station (see Eyal col 11, lines 32-40).

Claim 4, Paine teaches:

wherein the Internet broadcasting station is an Internet digital entertainment media station (see paragraph 34 "multimedia content").

Claim 5, Eyal teaches:

wherein the programming is accessed through a computer in a vehicle, and the search engine is accessed by voice- activated control (see Eyal col 29, lines 52-57; col 34, lines 22-30).

Claim 6, Paine teaches:

wherein the Internet broadcasting station includes a user interface and includes a directory of audio/video advertisements where a list of such advertisements is displayed to the user via the user interface (see figure 7).

Claim 7, Paine teaches:

wherein the Internet broadcasting station the number of sponsors is intentionally limited such that a paying sponsor receives an enhanced position in the mind of the user (see paragraph 75)

Claim 8, Paine teaches:

wherein the search engine of the Internet broadcasting station includes filters to make sure the user traffic is qualified (see paragraph 99).

Claim 9, Paine teaches:

wherein the sponsor will indicate key words on which a bid is submitted, and the Internet broadcasting station will review and compare the desired key search words to the sponsor web site to qualify the sponsor (see paragraph 93).

Claim 11, Paine teaches:

A method to generate revenue for an Internet broadcasting station, said method comprising:

providing programming content via said Internet broadcasting station over the Internet (see paragraph 34);

providing an Internet search engine as part of said Internet broadcasting station such that a user of said Internet broadcasting station may search for web sites on said Internet (see figure 7); and

paying a provider of said Internet broadcasting station a predetermined monetary amount from a sponsor of said Internet broadcasting station every time a user of said Internet broadcasting station goes to a web site of said sponsor using said Internet search engine (see paragraph 54)

Paine does not teach that a user of said Internet broadcasting station may search for web sites on said Internet without said programming content being interrupted. However, Eyal teaches an Internet broadcasting station that allow users to receive media playback from a media resource in one medium, such as audio, while providing

images, audio, text or media not associated with the media resource. Thus users can listen to songs from media resources signaled to a user terminal, while viewing banner ads on the website where the media resource is located (see Eyal col 21, lines 35-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Paine's Internet providers would allow users to search for websites on the Internet without interrupting a programming content, as Eyal teaches that it is old and well known in the art to allow users to receive media playback from a media resource in one medium, such as audio, while simultaneously providing to said users images, audio, text or media not associated with the media resource (*i.e.* website content).

Claim 12, Eyal teaches:

wherein said programming content comprises music (see Eyal col 21, lines 35-45).

Claim 14, Eyal teaches:

providing streaming audio programming content to said user from said Internet broadcasting station via said Internet (see Eyal col 21, lines 35-45) .

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paine (US 2003/0055816) in view of Eyal (US 7,281,034) and further in view of Schein (US 2003/0005445).

Claim 10, Paine and Eyal fail to teach:

wherein the search engine or commercial advertisement is displayed is viewed on a display view in a PIP window while the main television programming content



remains in the main display area of the screen. However, Schein teaches an Internet television broadcast system which displays to users a search engine while said users simultaneously view a current tuned program in a PIP window (see figure 17b,c). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Paine and Eyal would allow users to search for information on the Internet, while simultaneously view a current tuned program, as Schein teaches that it is old and well known in the art to do so.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra

January 5, 2008